

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 ELENA L. ALMANZO, State Bar No. 131058
Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0767
Facsimile: (916) 324-5567

7 Attorneys for Complainant
8

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2008-281

13 **JANET MARIE KNESEK**
11130 Jordan River Court
14 Rancho Cordova, California 95670

ACCUSATION

15 Registered Nurse License No. 622725

16 Respondent.
17

18 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
22 Affairs.

23 2. On or about July 28, 2003, the Board issued Registered Nurse License
24 Number 622725 to Janet Marie Knesek ("Respondent"). The license will expire on
25 February 28, 2009, unless renewed.

26 ///

27 ///

28 ///

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

4. Code section 2761 states, in part:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

REGULATORY PROVISIONS

As used in Section 2761 of the code, 'gross negligence' includes an *extreme departure from the standard of care which, under similar circumstances, would have ordinarily been exercised by a competent registered nurse*. Such an extreme departure means the repeated failure to provide nursing care as required or failure to provide care or to exercise ordinary precaution in a single situation which the nurse knew, or should have known, could have jeopardized the client's health or life.

As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the failure to exercise that degree of learning, skill, care and experience ordinarily possessed and exercised by a competent registered nurse as described in Section 1443.5.

7. Code section 125.3 provides, in pertinent part, that the Board may request a law judge to direct a licensee found to have committed a violation or breach of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and prosecution of the case.

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BACKGROUND INFORMATION

Respondent was employed as a registered nurse at Mercy Hospital of Folsom, in Folsom, California, from April 10, 2005, through November 22, 2005. The following incidents occurred while Respondent was on duty:

Incident #1 (Patient A)

8. On or about October 31, 2005, Respondent was caring for a 65-year-old female patient with a diagnosis of weight loss/failure to thrive. Respondent withdrew the drug Metoclopramide from the Pyxis and attempted to administer it to Patient A. Patient A stopped Respondent from administering the medication, stating that the physician had put a "hold" on the administration of that medication. Respondent left the patient's room and never returned.

Incident #2 (Patient B)

9. On or about November 1, 2005, Respondent was caring for Patient B when she administered Potassium Phosphate intravenously without placing the infusion on an electronic infusion device to precisely control the rate of infusion. By failing to administer the Potassium Phosphate through an electronic infusion device, the medication could infuse too rapidly and result in cardiac arrhythmia and death.

Incident #3 (Patient C)

10. On or about November 15, 2005, Respondent was caring for a 58-year-old female with a diagnosis of brain metastases. Respondent administered two doses of Magnesium Sulfate to Patient C without a physician's order.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

11. Respondent is subject to discipline under Code section 2761(a)(1), on the grounds of unprofessional conduct in that while employed as a registered nurse at Mercy Hospital of Folsom, in Folsom, California, Respondent was guilty of gross negligence in the following respects:

///

///

1 **Incident #1 (Patient A)**

2 a. On or about October 31, 2005, Respondent failed to verify the medication
3 order against the physician order for the five rights of medication administration (patient,
4 medication dose, time, and route), as more particularly set forth above in paragraph 8.

5 **Incident #2 (Patient B)**

6 b. On or about November 1, 2005, Respondent failed to ensure a safe rate of
7 administration of an electrolyte intravenous infusion that could, if delivered too rapidly, result in
8 cardiac arrhythmia and death, as more particularly set forth above in paragraph 9.

9 **Incident #3 (Patient C)**

10 c. On or about November 15, 2005, Respondent failed to check the medication
11 order against the physician order for the five rights of medication administration (patient,
12 medication, dose, time, and route) prior to administration, as more particularly set forth above in
13 paragraph 10.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Incompetence)**

16 12. Respondent is subject to discipline under Code section 2761(a), on the
17 grounds of unprofessional conduct as defined in Code section 2761(a)(1), in that while employed
18 as a registered nurse at Mercy Hospital of Folsom, in Folsom, California, Respondent was guilty
19 of incompetence, as more particularly set forth above in paragraph 11.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct)**

22 13. Respondent is subject to discipline under Code section 2761(a), on the
23 grounds of unprofessional conduct, in that while employed as a registered nurse at Mercy
24 Hospital of Folsom, in Folsom, California, Respondent was guilty of unprofessional conduct, as
25 more particularly set forth above in paragraph 11.

26 ///

27 ///

28 ///

1 PRAYER


2 WHEREFORE, Complainant requests that a hearing be held on the matters
3 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 622725, issued
5 to Janet Marie Knesek;

6 2. Ordering Janet Marie Knesek to pay the Board of Registered Nursing the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 125.3; and,

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 4/9/08

11 
12 RUTH ANN TERRY, M.P.H., R.N.
13 Executive Officer
14 Board of Registered Nursing
15 Department of Consumer Affairs
16 State of California
17 Complainant

18
19
20
21
22
23
24
25
26
27
28
SA2006103060
Accusation (kdg) 2/26/08